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SIPDIS

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TAGS: [PHUM](#) [PGOV](#) [RW](#)
SUBJECT: RWANDA PROMULGATES PROBLEMATIC LAW ON "GENOCIDE
IDEOLOGY"

REF: KIGALI 002

Classified By: CDA Cheryl J. Sim for reasons 1.4 (b) and (d).

¶1. (SBU) With its publication in the October 1 Official Gazette, the Rwandan government promulgated a new law, "Relating to the Punishment of the Crime of Genocide Ideology," complementing the 2003 statute, "Punishing the Crime of Genocide, Crimes Against Humanity and War Crimes." The new law was drafted by members of the Rwandan Parliament shortly after the November 2007 presentation to it of a report claiming rampant "genocide ideology" in Rwanda's secondary schools (reftel).

¶2. (SBU) Members of the diplomatic community and international NGOs engaged the Government of Rwanda (GOR) on the draft law, providing comments and suggestions on how to adapt it to meet international norms. The final version, however, contains several provisions that could potentially have a negative impact on civil, human and political rights. While the definition of "genocide ideology" tracks with international conventions (speaking of acts, speech and documents meant to exterminate or incite extermination of a person based on origin, ethnic group, religion, language, etc.), the "characteristics" or evidence of the crime are very broad. According to the new statute, one commits genocide ideology if, with the intent to "dehumanize" a person or group, one engages in behavior such as "marginalizing, laughing at one's misfortune, defaming, mocking, boasting, despising, or stirring up ill feelings." There is limited judicial discretion for sentencing, and punishments provided are heavy, ranging from ten years to life in prison depending on the nature of the offense.

¶3. (SBU) The law also applies to minors. Children 12 years old and younger convicted of the crime could face up to 12 months of rehabilitation in special centers (the details of which are yet to be determined). Those between the ages of 12 and 18 would be sentenced to half the penalty given to adults, meaning they could face from 5 to 15 years imprisonment, which may be carried out in a rehabilitation center. Parents, guardians, or teachers may be imprisoned for 15 to 25 years if they are found to have contributed to genocide ideology crimes committed by children. Organizations can also be guilty of genocide ideology, and are subject to dissolution and fines.

¶4. (C) Comment: The law's very vaguely worded "characteristics" of genocide ideology mean the average Rwandan will have a difficult time understanding what actions and opinions are prohibited. While the law is supposedly aimed at worrisome expressions of ethnic hatreds among

student populations and teaching staff in Rwanda's schools,
the statute lends itself to the potential criminalization of
discussion, opinion and dissent. End comment.

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